REMARKS

In the non-final Office Action, the Examiner rejected claims 18-39 under 35 U.S.C. § 103(a) as unpatentable over Wolff (U.S. Patent No. 6,247,047) in view of Yahoo (www.archive.org/web/19961223150621/http://www8.yahoo.com, dated December 23, 1996).

By this Amendment, Applicant amends claims 26 and 37 to improve form and adds new claims 40 and 41. Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. § 103. Claims 18-41 are pending.

In paragraphs 5-15 of the Office Action, the Examiner rejected claims 18-39 as allegedly unpatentable over Wolff in view of Yahoo. Applicant respectfully traverses the rejection.

Independent claim 18, for example, is directed to a method for enticing users to access a web page. The method comprises modifying a standard company logo for a special event to create a special event logo; associating one or more search terms with the special event logo, the one or more search terms relating to the special event; uploading the special event logo to the web page; receiving a user selection of the special event logo; and invoking a search relating to the special event based on the one or more search terms in response to the user selection.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 18. For example, Wolff and Yahoo do not disclose or suggest associating one or more search terms with the special event logo, the one or more search terms relating to the special event.

The Examiner alleged that Wolff discloses this feature and cited column 8, line 56 - column 9, line 15, of Wolff for support (Office Action, paragraph 6). Applicant respectfully disagrees.

At column 8, line 56 - column 9, line 15, Wolff discloses:

> At step 202, a user uninterested in the advertised product or service may continue browsing without selecting banner 102. However, if the user wants to make a transaction or wants more information about the advertised product or service, the user selects banner 102 using an input device such as mouse 22 by clicking in geographic area 104. In response, at step 204, user node 14 makes an TCP/IP request using the URL ("www.bannerbuy.com") embedded within banner 102 to contact host server 12 over Internet 16.
>
> At step 206, host server 12 generates a unique transaction identification number ("transaction ID"), and creates a new record in the transaction record database which can be indexed by the transaction ID. This record will be used to store any input data entered by the user for this transaction. At step 208, host server 12 receives the unique indicia (e.g., "12345") embedded within banner 102 and uses the indicia to search the on-line product/service database for a record containing information specific to the advertised product or service. This record was previously defined by the merchant, at which time its unique identification indicia was assigned. After finding and retrieving the record, at step 210, host server 12 dynamically generates a presentation/input form page 108 based at least in part on data stored within the retrieved record, and sends page 108 over Internet 16 for display on display 18 of user node 14 at step 212. Page 108 is displayed by opening a new browser or new window on user node 14.

In this section, Wolff discloses that if a user wants more information about the advertised product or service, the user selects banner 102, which causes host server 12 to perform a search based on unique indicia embedded within the banner to identify a record containing information specific to the advertised product or service. In other words, Wolff discloses a banner relating to an advertised product or service and in response to a user selecting the banner, presenting the user with information relating to the advertised product or service. Nowhere does Wolff disclose or suggest a special event logo (created by modifying a standard company logo for a special event) and, therefore, cannot disclose or suggest associating one or more search terms with the special event logo, the one or more search terms relating to the special event, as required by claim 18.

The Examiner admitted that Wolff does not disclose a special event logo that is created by modifying a standard company logo for a special event (Office Action, paragraph 6). The

Examiner alleged, however, that Wolff discloses the use of a graphical icon, as an advertisement banner, that can be quickly set up for seasonal and one-time use and cited column 2, lines 27-28, of Wolff for support (Office Action, paragraph 6). Applicant respectfully submits that the Examiner has misconstrued the disclosure of Wolff.

At column 2, lines 27-28, Wolff discloses "Also, the banner can be quickly set up for seasonal or one-time use." In this section, Wolff is describing a feature of a prior art technique for providing a static graphical banner that includes an image relating to the product or service being advertised (col. 2, lines 14-35). The Examiner provided no motivation for combining this prior art disclosure with the system of Wolff that the Examiner relied upon for allegedly disclosing other features of Applicant's claims. Therefore, the Examiner has not established a prima facie case of obviousness with regard to claim 1.

The Examiner relied upon Yahoo for allegedly disclosing a special event logo that is created by modifying a standard company logo for a special event (Office Action, paragraph 6). Yahoo does not disclose or remotely suggest, however, associating one or more search terms with the special event logo, where the one or more search terms relate to the special event, as required by claim 18.

The Examiner alleged that:

> Therefore, since it is suggested by Wolff to provide a mechanism to easily set up and utilize an icon for seasonal or one-time use, it would have been obvious to one of ordinary skill in the art to provide a logo as demonstrated by Yahoo to be a logo which is deemed seasonal because the logo has been altered in order to celebrate a special event, in this case Christmas.

(Office Action, paragraph 6). Applicant respectfully submits that the Examiner's allegation lacks merit. First, as explained above, Wolff disclosed that a banner can be set up for seasonal or one-time use in connection with a prior art static graphical banner, not the banner disclosed by Wolff

and relied upon by the Examiner. Further, Applicant submits that the only motivation to replace the banner of Wolff with the Yahoo logo is found in Applicant's own disclosure, which, of course, cannot be relied upon for establishing a prima facie case.

An important concept that should be noted is that in order to reach a proper determination under 35 U.S.C. § 103, the Examiner must step backward in time and into the shoes of a hypothetical "person of ordinary skill in the art" at a time when Applicant's invention was unknown and just before it was made. With this concept in mind, it appears that the Examiner believes that it is conceivable that, having the Wolff document which is drawn to a system for facilitating computer network transactions via an advertising banner, one skilled in the art at the time Applicant's invention was made, having no knowledge of Applicant's invention, would have replaced the advertising banner in the Wolff document with the Yahoo logo from the Yahoo document to come up with Applicant's claimed invention. Irrespective of the fact that these documents are non-analogous (i.e., a system for facilitating computer network transactions and the home page of a search engine), Applicant finds the Examiner's combination of documents highly improbable.

The Examiner further alleged that:

> it would have been obvious to associate the "search term" to relate the graphical icon as taught by Wolff because the keyword associated with the icon is supposed to directly identify the product or service being represented by use of the icon and when a use interacts (clicks) on the icon (see Wolff, col. 8, 11. 43-49), it is deemed obvious that search results should be directly related to whatever the icon represents instead of erroneous data. Therefore, in view of Yahoo, if a logo is altered in some sort of way, the keyword associated with the logo should be altered accordingly.

(Office Action, paragraph 6). Applicant respectfully submits that the Examiner's conclusion is based solely on Applicant's own disclosure, which, of course, cannot be relied upon for establishing a prima facie case. The Examiner has provided no objective motivation for

associating one or more search terms relating to a special event with the Yahoo Christmas logo.

The Examiner also alleged that:

> One of ordinary skill in the art would have been motivated to make such a combination due to being from the same field of endeavor (client-server network systems) and for the reasons stated above, specifically the advantages of providing a banner which is attractive to a user which would cause a user to want to click on the banner and the ability to provide a banner which can be used one-time or seasonal.

(Office Action, paragraph 6). The Examiner's motivation of "providing a banner which is attractive to a user which would cause a user to want to click on the banner" falls short of establishing an objective reason why one of ordinary skill in the art at the time of Applicant's invention would have been motivated to replace the banner in Wolff with the Yahoo Christmas logo, or to associate one or more search terms relating to a special event with a special event logo, as required by claim 18.

Because Wolff and Yahoo do not disclose or suggest associating one or more search terms with the special event logo, the one or more search terms relating to the special event, Wolff and Yahoo cannot disclose or suggest invoking a search relating to the special event based on the one or more search terms in response to a user selection, as further recited in claim 18.

For at least these reasons, Applicant submits that claim 18 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination. Claims 19-21, 23-25, and 34 depend from claim 18 and are, therefore, patentable over Wolff and Yahoo for at least the reasons given with regard to claim 18. Claims 19-21, 23-25, and 34 are also patentable over Wolff and Yahoo for reasons of their own.

For example, claim 20 recites creating the special event logo by modifying the standard company logo with at least one of video or audio data. Neither Wolff nor Yahoo discloses or suggests this combination of features.

The Examiner alleged that both Wolff and Yahoo disclose the ability to modify a logo with video and/or audio data and cited column 3, lines 39-43, of Wolff for support (Office Action, paragraph 8). Applicant respectfully disagrees.

At column 3, lines 38-43, Wolff discloses:

> Another advantage of the present invention is to provide a banner advertising transaction enabling system which automatically sends messages to merchants in response to the selection of the merchant's banner by a user, either by e-mail or facsimile. The message may be a simple notification or a complete purchase order.

In this section, Wolff discloses that the banner advertising system automatically sends messages to merchants in response to selection of the merchant's banner. Nowhere in this section, or elsewhere, does Wolff disclose or suggest creating the special event logo by modifying the standard company logo with at least one of video or audio data, as required by claim 20.

Yahoo discloses a Yahoo Christmas logo. Nowhere does Yahoo disclose or remotely suggest that the Yahoo Christmas logo includes video and/or audio data, as required by claim 20.

For at least these additional reasons, Applicant submits that claim 20 is patentable over Wolff and Yahoo.

Independent claim 26 is directed to a computer-readable medium that stores instructions executable by one or more processors to perform a method for attracting users to a web page. The computer-readable medium comprises instructions for creating a special event logo by modifying a standard company logo for a special event; instructions for associating a link or search results with the special event logo, the link identifying a document relating to the special event, the search results relating to the special event; instructions for uploading the special event logo to the web page; instructions for receiving a user selection of the special event logo; and instructions for providing the document relating to the special event or the search results relating

to the special event based on the user selection.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 26. For example, Wolff and Yahoo do not disclose or suggest instructions for associating a link or search results with a special event logo created by modifying a standard company logo for a special event, the link identifying a document relating to the special event, and the search results relating to the special event.

The Examiner did not specifically address this feature and, therefore, did not establish a prima facie case of obviousness with regard to claim 26. Applicant respectfully submits that neither Wolff nor Yahoo discloses or suggests this feature for at least reasons similar to reasons given with regard to claim 18.

Because Wolff and Yahoo do not disclose or suggest instructions for associating a link or search results with a special event logo created by modifying a standard company logo for a special event, where the link identifies a document relating to the special event, and the search results relate to the special event, Wolff and Yahoo cannot disclose or suggest instructions for providing the document relating to the special event or the search results relating to the special event based on the user selection, as further recited in claim 26.

For at least these reasons, Applicant submits that claim 26 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination. Claims 29-31 and 35 depend from claim 26 and are, therefore, patentable over Wolff and Yahoo for at least the reasons given with regard to claim 26.

Independent claim 27 is directed to a server connected to a network. The server

comprises a memory configured to store instructions and a processor configured to execute the instructions to determine a home page for a web page on the network, identify a standard company logo on the home page, modify the standard company logo with special event information corresponding to a special event to create a special event logo, and replace the standard company logo with the special event logo during the special event.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 27. For example, Wolff and Yahoo do not disclose or suggest a processor configured to determine a home page for a web page on a network or identify a standard company logo on the home page.

The Examiner did not address these features of claim 27 and, therefore, did not establish a prima facie case of obviousness with regard to claim 27. Wolff discloses nothing remotely similar to these features. Yahoo discloses a Yahoo Christmas logo, but does not disclose or remotely suggest a processor configured to determine a home page for a web page on a network or identify a standard company logo on the home page, as required by claim 27.

For at least these reasons, Applicant submits that claim 27 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination. Claims 32 and 33 depend from claim 27 and are, therefore, patentable over Wolff and Yahoo for at least the reasons given with regard to claim 27.

Independent claim 28 recites features similar to, but possibly different in scope from, features recited in claim 18. Claim 28 is, therefore, patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 18. Claim 36 depends from claim 28. Claim 36 is, therefore, patentable over

Wolff and Yahoo for at least the reasons given with regard to claim 28.

Independent claim 37 is directed to a method comprising presenting a special event logo on a web page, the special event logo being associated with a standard company logo that has been modified or replaced for a special event; receiving selection of the special event logo; invoking a search for web pages relating to the special event in response to the received selection; and presenting results based on the invoked search.

Neither Wolff nor Yahoo, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 37. For example, Wolff and Yahoo do not disclose or suggest invoking a search for web pages relating to the special event in response to a received selection of a special event logo for at least reasons similar to reasons given with regard to claim 18. Instead, Wolff discloses performing a search of a product/service database for a record containing information specific to the advertised product or service (col. 9, lines 3-7). Yahoo merely discloses a standard Internet search that can be performed by entering text into the search box and clicking on the search button.

For at least these reasons, Applicant submits that claim 37 is patentable over Wolff and Yahoo, whether taken alone or in any reasonable combination. Claims 22, 38, and 39 depend from claim 37 and are, therefore, patentable over Wolff and Yahoo for at least the reasons given with regard to claim 37.

New claim 40 depends from claim 18, and new claim 41 depends from claim 28. Claims 40 and 41 are, therefore, patentable over Wolff and Yahoo for at least the reasons given with regard to claims 18 and 28.

In view of the foregoing amendments and remarks, Applicant respectfully requests the

Examiner's reconsideration of the application and the timely allowance of pending claims 18-41.

As Applicant's remarks with respect to the Examiner's rejections overcome the rejections, Applicant's silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or that such requirements have been met, and Applicant reserves the right to dispute these assertions/requirements in the future.

If the Examiner does not believe that all pending claims are now in condition for allowance, the Examiner is urged to contact the undersigned to expedite prosecution of this application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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